

1 MORGAN, LEWIS & BOCKIUS LLP
2 FRANKLIN BROCKWAY GOWDY, (SBN 047918)
3 BENJAMIN P. SMITH, (SBN 197551)
4 One Market, Spear Street Tower
5 San Francisco, CA 94105-1126
6 Tel: 415.442.1000
7 Fax: 415.442.1001
8 fgowdy@morganlewis.com
9 bpsmith@morganlewis.com

10 Attorneys for Non-Parties
11 Palm, Inc.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 IN RE HIGH-TECH EMPLOYEE
17 ANTITRUST LITIGATION

Case No. 11-CV-2509-LHK

**DECLARATION OF ROBERT H.
BOOTH IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
[DOCKET NO. 186]**

[Civil L.R. 79-5(D)]

18 I, Robert H. Booth, declare as follows:

19 1. I am an attorney at law licensed to practice in the State of California, and am Chief
20 Litigation Counsel of non-party Palm, Inc. ("Palm"). I have personal knowledge of the facts set
21 forth in this declaration and if called upon to do so I could and would competently testify to such
22 matters.

23 2. I make this declaration pursuant to Civil Local Rule 79-5(d) to establish that
24 certain correspondence produced by Palm in response to a subpoena issued by Plaintiffs, as well
25 as portions of the declaration of Edward T. Colligan referring to that correspondence, are
26 sealable.

27 3. On or about February 2012, Palm produced certain documents to Plaintiffs in
28 response to a document subpoena and designated those documents "Confidential" under the

1 Stipulated Protective Order entered in this action. On August 7, 2012, Mr. Colligan, the former
2 President and Chief Executive Officer of Palm, executed a declaration regarding those documents
3 and other matters in lieu of submitting to a deposition. Mr. Colligan's declaration attaches as
4 exhibits and discusses two documents Palm produced to Plaintiffs and designated "Confidential."


5 4. On October 1, 2012, Plaintiffs in this action filed an Administrative Motion to File
6 Under Seal (Docket No. 186), and lodged conditionally under seal portions of the Declaration of
7 Edward T. Colligan, and the two exhibits attached to Mr. Colligan's declaration, pursuant to Civil
8 Local Rules 7-11 and 79-5(d). Plaintiffs also filed a redacted, public version of Mr. Colligan's
9 declaration (Docket No. 189).

10 5. The documents attached to the declaration of Mr. Colligan consist of, cite to,
11 and/or identify confidential, nonpublic, and proprietary business information of Palm, including
12 information regarding Palm's intellectual property portfolio and competitive position. Public
13 disclosure of this information presents a risk of placing Palm at a competitive disadvantage. The
14 declaration of Mr. Colligan references and describes the same documents.

15 6. Palm has taken reasonable steps to preserve the confidentiality of information of
16 the type contained in the exhibits to Mr. Colligan's declaration and the redacted portion of Mr.
17 Colligan's declaration.

18 7. I declare under penalty of perjury under the laws of the United States of America
19 that the foregoing is true and correct.

20 Executed on Oct 8, 2012 in Sunnyvale, California.

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22
23 

24 Robert Booth